



SEP 03 2004

MOBIL DOCKET NO. 10213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Application of : D. J. Baillargeon et al
Serial No. : 09/498,793
Filed : 4 February 2000
For : Formulated Lubricant Oils Containing High-Performance Base Oils
Derived From Highly Paraffinic Hydrocarbons
Group Art Unit : 1764
Examiner : E. M. McAvoy

Petition under 37 CFR 1.137 (b) to Revive Unintentionally Abandoned Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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This application became abandoned on 30 August 2004 by failure to take appeal action from the decision of the Board of Patent Appeals and Interferences dated 30 June 2004 (Appeal No. 2003-1846, Paper No. 23) or other appropriate action. The failure to respond within the statutory period was unintentional and this petition requests revival of the abandoned application under 37 CFR 1.137(b).

A response to the official action is attached in the form of a Request for Continued Examination. Payment of the petition fee of \$1330.00 is requested in the attached transmittal letter.

The failure to respond to the office action is believed to have arisen in the manner set out in the accompanying declaration of the undersigned attorney.

In the light of the facts set out in the accompanying declaration in support of this petition, it is submitted that the failure to file a timely response to Paper No. 23 was inadvertent. The entire delay in filing the response from the due date for reply to the date of filing this petition was unintentional.

Post Office Address:
ExxonMobil Research and Engineering Company
P. O. Box 900
Annandale, NJ 08801-0900

Respectfully submitted,

Malcolm D. Keen
Malcolm D. Keen
Reg. No. 27,728
Attorney for Applicants
(703) 846-7795

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Declaration in Support of Petition to Revive

I, Malcolm D. Keen, of 3225 Gallows Road, Fairfax, VA 22037, declare as follows:

1. I am the Malcolm D. Keen who is an attorney of record (Registration No. 27,728) in this application.
2. I have been advising on the handling this application both during the appeal to the Board and after receiving the decision. A decision was taken in July that a Request for Continued Examination would be filed and this attorney was to file the Request and I drew up certain papers including the Request for Continued Examination on 11 August 2004. In order to provide evidentiary support for the Request, a number of documents needed to be found but unexpected difficulties were encountered and the I intended to delay the filing of the Request until all papers were ready but still to file the Request within the 60 day appeal term.
3. In the assignee's Law Department, call-ups on items on an attorney's docket are generated by the assignee's computerized patent management system and are directed to the attorney designated in the system as the "Handling Attorney". I was not given any call-up for filing an appeal or taking other action on this application at any time subsequent to the receipt of the Board's decision. I have reviewed the computerized records for this application and they show that the "Handling Attorney" was (and still is) another attorney within the assignee's law department. I also did not receive any other reminder that action should be taken if the application was not to be deemed abandoned.
4. I became aware of the failure to take timely action when, on 2 September, I took up the file to deal with a problem which had arisen in finding the documents necessary for the Request for Continued Examination. I then checked the date of the Board decision and found that the action which I had decided upon had not been taken in proper time.

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5. Matters stated in this declaration of my own knowledge are true; matters stated on information and belief are believed by me to be true.

6. I have read and understand the following warning: False Statements made willfully and the like made in this declaration are punishable by fine or imprisonment or both (18 USC 1001) and may jeopardize the validity of the application or any patent issuing on it.

Signed at Fairfax, Commonwealth of Virginia
3 September 2004

A handwritten signature in black ink, appearing to read "Malcolm D. Keen". The signature is written in a cursive, flowing style.

Malcolm D. Keen